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19 Attorneys for Defendants  
20 GENENTECH, INC. and  
21 GENENTECH INC. GROUP LONG  
22 TERM DISABILITY BENEFIT PLAN  
23  
24  
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26 UNITED STATES DISTRICT COURT  
27 NORTHERN DISTRICT OF CALIFORNIA  
28

19 SUSAN BEERMAN,

20 Plaintiff,

21 v.

22 GENENTECH, INC.; GENENTECH INC.  
23 GROUP LONG TERM DISABILITY  
24 BENEFIT PLAN; and DOES 1 through 50,  
25 inclusive,

Defendants.

CASE NO. C 06-00827 MMC

STIPULATION AND ~~PROPOSED~~ ORDER  
EXTENDING TIME TO COMPLETE  
MEDIATION

26 WHEREAS, plaintiff Susan Beerman and defendants Genentech, Inc. and Genentech,  
27 Inc. Group Long Term Disability Benefit Plan (collectively "the parties") were initially ordered  
28 to complete mediation by August 10, 2006;

1 WHEREAS, the parties previously filed a stipulation with the Court requesting an  
2 extension of time to complete mediation to December 1, 2006, on grounds that the parties dispute  
3 the applicable standard of review to be applied in this action, which arises under the Employee  
4 Retirement Income Security Act ("ERISA"), 29 U.S.C. section 1001 et seq., and believe that the  
5 issue of which standard of review will be applied could materially effect the negotiating positions  
6 of the parties and should be determined before the mediation;

7 WHEREAS, on July 24, 2006, the Court approved the stipulation and ordered that the  
8 mediation deadline would be continued to December 1, 2006 and the deadline for plaintiff to file  
9 a motion for ruling on the standard of review would be continued to October 15, 2006;

10 WHEREAS, plaintiff's motion for a ruling on the standard of review was filed  
11 accordingly and has been fully briefed, but the Court has not yet issued a ruling;

12 WHEREAS, the matter has been assigned to mediator Jeffrey G. Lewis and the parties  
13 (through counsel) are endeavoring to identify a mutually-available mediation date, but anticipate  
14 that they will not be able to complete the mediation by the current deadline;

15 NOW, THEREFORE, the parties hereby stipulate to and mutually request that the Court  
16 grant an extension of the deadline for completing the mediation to January 31, 2007.

17 Dated: November 29, 2006

TEAL & MONTGOMERY

18 /s/ Michael S. Henderson

19 Michael S. Henderson

Attorneys for Plaintiff, Susan Beerman

20 Dated: November 30, 2006

SEDGWICK DETERT MORAN & ARNOLD, LLP

21 /s/ Tara L. Riedley

22 Tara L. Riedley

23 Attorneys for Defendants, Genentech, Inc., and  
24 Genentech, Inc. Group Long Term Disability  
Benefit Plan

25 IT IS SO ORDERED.

26 DATED: December 1, 2006

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28 Hon. Maxine M. Chesney  
United States District Judge